

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**RE: PETITION OF BAY STATE GAS COMPANY
FOR APPROVAL OF REVISED TARIFFS**

DTE 05-27

LOCAL 273 EMERGENCY MOTION TO EXTEND DISCOVERY DEADLINE

Local 273 of the Utility Workers Union of America ("Local 273") respectfully requests that the Department immediately grant an interim extension to June 22, 2005 of the existing deadline for the filing of intervenor discovery, or until the Department may rule on the pending MASSCAP appeal of the procedural schedule, whichever comes later. Local 273 files this motion on an emergency basis as there is already a pending but undecided appeal regarding the schedule for discovery. In support of this motion, Local 273 states:

1. By memorandum dated June 10, 2005, the Hearing Officer issued a "Procedural Schedule" in this case. Under that procedural schedule, the deadline for filing intervenor discovery is June 20, 2005.

2. By several measures, this is one of the most burdensome discovery deadlines that the Department has imposed in any rate case. It allows only ten days between the issuance of the schedule and the filing of discovery, giving intervenors an extremely short period to review the company's five-volume initial filing and prepare discovery requests. It places a discovery deadline that ends two full weeks before the start of hearings, which severely impinges on the ability of intervenors to draft their discovery and which yet provides little benefit to the

company.¹

3. On or about June 13, 2005, MASSCAP already filed an appeal of the procedural schedule, seeking an extension of the discovery deadline to July 5, 2005. Local 273, the Massachusetts Oilheat Council and the United Steelworkers of America have all supported that appeal. The appeal is still pending.

4. In the absence of emergency relief from the Department, the discovery deadline will expire on June 20 yet the Department may have not yet ruled on MASSCAP's appeal of the procedural schedule.

5. MASSCAP and the United Steelworkers Union of America have authorized Local 273 to note their support for this emergency motion.

6. Local 273 has spoken to counsel for the company. Counsel for the company has authorized Local 273 to state that the company does not object to the request for an extension to June 22, 2005 of the intervenor discovery deadline but does object to any further extension of the discovery deadline.

7. The failure to grant this motion will severely prejudice Local 273's ability to prepare its case, including the preparation of its expert witness testimony.

In conclusion, Local 273 asks that the Department to grant the requested relief on an emergency, expedited basis and extend the discovery deadline at least until June 22, 2005, or until the Department may rule on MASSCAP's appeal, whichever is later.

¹ In fact, the company itself proposed July 1 as the last day for intervenor discovery.

Respectfully Submitted,

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